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Third-Party Plaintiff R&O Construction Company

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WEST CHARLESTON LOFTS I, LLC, a Nevada limited liability company; WCL COMMERCIAL, LLC, a Nevada limited liability company.

## **AMENDED JUDGMENT**

15 Plaintiffs and Counterclaim Defendants,  
16 vs.

Civil No. 2:09-CV-00392-PMP-LRL  
Judge Philip M. Pro  
Magistrate Judge Lawrence R. Leavitt

R&O CONSTRUCTION COMPANY, a Utah corporation; DOES I through X; and ROE CORPORATIONS I through X, inclusive,

#### **Defendant and Counterclaimant.**

**R&O CONSTRUCTION COMPANY, a Utah corporation,**

### Third-Party Plaintiff,

VS.

CHARLES G. HALL, et al.

### Third-Party Defendants.

26 That portion of this action relating to the claims between West Charleston Lofts I, LLC  
27 (“WCL”) and R&O Construction Company (“R&O”) having been heard, pursuant to this Court’s  
28 Order compelling arbitration of said claims, by Arbitrator William C. Turner, Esq., in November

1 and December 2010, and Arbitrator Turner having issued an award, dated March 7, 2011, which  
 2 awards R&O \$344,409.74 to be paid by WCL;

3 and R&O having incurred attorneys fees of \$37,569.50 related to R&O's defense in this  
 4 Court of the Motion to Expunge Mechanic's Liens filed by West Charleston Lofts, I, LLC and  
 5 WCL Commercial, LLC;

6 and the Ninth Circuit Court of Appeals having awarded R&O appellate fees of \$33,930 on  
 7 June 13, 2011;

8 and good cause appearing therefore;

9 IT IS ORDERED, ADJUDGED, AND DECREED that Counterclaimant, R&O  
 10 Construction Company, recover from Counterclaim Defendant, West Charleston Lofts I, LLC, the  
 11 sum of \$415,909.24 (\$71,499.50 of which represents attorneys fees and is a joint and several  
 12 obligation of West Charleston Lofts I, LLC and WCL Commercial, LLC), with post judgment  
 13 interest at the rate established by 28 U.S.C. § 1961, and costs pursuant to FED. R. CIV. P. 54(d), as  
 14 verified by R&O's counsel.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that R&O shall have a lien  
 16 on the whole of WCL's real property described as follows:

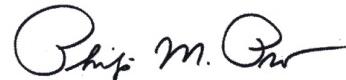
Clark County Parcel No	Unit	Unit Lien Value
16402113003	203	\$9,789.05
16402113005	205	\$9,510.16
16402113020	220	\$8,773.10
16402113022	402	\$6,597.75
16402113026	406	\$8,773.10
16402113029	409	\$8,864.73

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 22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the real property may  
 23 be sold at public auction by the sheriff of Clark County, Nevada, according to law, and that R&O  
 24 or any other person may become the purchaser at the sale. The sheriff is further ordered, pursuant  
 25 to that sale and the law, to execute a deed to the purchaser of the real property and that the  
 26 proceeds of the sale shall be applied first to the sheriff's costs of sale, including fees, disbursements  
 27 and commissions, and then to R&O for all amounts due to R&O under this judgment, including  
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1 interest, and costs of suit. If any funds remain after payment of these amounts, those sums shall be  
2 paid to WCL. If the proceeds of the sale are insufficient to pay R&O the full amount due under this  
3 judgment, the amount of that deficiency, with interest from the date of sale, shall be due and owing  
4 from WCL.

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6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, after the execution and  
7 delivery of the sheriff's deed after foreclosure, WCL and all persons claiming under WCL, and all  
8 persons claiming interests in the real property junior to that of the mechanic's liens foreclosed on  
9 in this judgment, shall be forever barred from asserting interests in the real property.

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11 Dated this 5th day of August, 2011.  
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15 Phillip M. Pro, United States District Court Judge  
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